

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.

Case No. 2:18-mj-670

David Allen Antonio FLEMINGS, Jr.
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/05/2018 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

Code Section
18 USC 1951

Offense Description
Interference with Interstate Commerce by Robbery

This criminal complaint is based on these facts:
See Attached

☒ Continued on the attached sheet.

Brian V. Boesch TFO 6551
Complainant's signature

Task Force Officer (TFO) Brian V. Boesch
Printed name and title

Sworn to before me and signed in my presence.

Date: Sept. 6, 2018

City and state: Columbus, OH

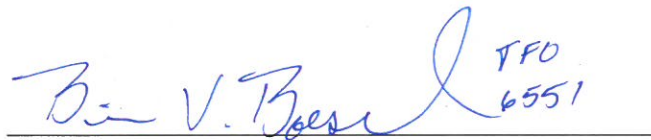
Kimberly A. Jolson
Judge's signature
Magistrate Judge Kimberly A. Jolson
Printed name and title

I, Brian Boesch, a Task Force Officer with the U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives, hereinafter the affiant, being duly sworn, states:

1. Your affiant is assigned as a Task Force Officer in the ATF Field Office, Columbus, Ohio, and has been so assigned for the past 4 years. Your affiant has conducted or participated in numerous investigations with the Columbus Division of Police Robbery Squad over the past thirteen years which have resulted in arrests and convictions, for violations of Federal and State Laws. Your affiant is currently assigned to work violent crime, specifically armed serial robbery cases occurring in the Central Ohio, area.
2. On July 5, 2018, a male black entered the Rite Aid pharmacy located at 437 N. Wolfcreek in Brookville, OH. The suspect approached the pharmacy counter and presented the pharmacy technician with a note that stated, "Put Note Back In the Bag. This a armed Robbery. These are the Government pills, not yours or worth your life. I'm willing to kill. Don't push no silent alarms. Fill 2 bags." The note then listed specific medications for the pharmacy to provide. They observed the note was torn from page 78 of the book titled, "Common Sense Parenting". The language and format of this note is very similar to other robbery notes passed at area pharmacy robberies in the past several months.
3. The pharmacy technician, Kylie Thomas, and the pharmacist, Linda Owens, complied and placed numerous bottles of medication into several bags and handed them to the suspect. They described the suspect as a male black, late 20's, approximately 5'4, 140lbs, with short hair and a goatee. They said he was wearing a black baseball hat and black collared jacket. The suspect then fled the store.
4. Brookeville Police Officers responded and collected the note for evidence. The note was submitted to the Miami Valley Regional Crime Laboratory by Detective Mike Swigart. Detective Swigart collected inked fingerprints of Ms. Thomas and Ms. Owens for elimination purposes and requested the Crime Lab examine the note for latent fingerprints.
5. On August 15, 2018, the Crime Lab released to Detective Swigart the results of their examination. They found latent prints of value, but excluded the submitted prints of Ms. Thomas and Ms. Owens. The Automated Fingerprint Identification System (AFIS) did find a latent print that was identified as being a candidate for the right index finger of David FLEMINGS. This was later confirmed by Latent Print Examiner Jennifer L. Yoak.
6. On September 5, 2018, Detective Swigart presented photo arrays to Ms. Thomas and Ms. Owens that contained a photo of FLEMINGS. Ms. Thomas identified FLEMINGS as the person that robbed the Rite Aid and stated she was 100% positive it was him. Ms. Owens identified FLEMINGS' photo, but stated she was only 60% sure it was him.
7. **Interstate Nexus for Rite Aid** – Rite Aid Corporation is a drugstore chain in the United States and is headquartered in Camp Hill, Pennsylvania. Rite Aid is the third largest drug store chain in the United States. Rite Aid obtains their prescription medication from all of

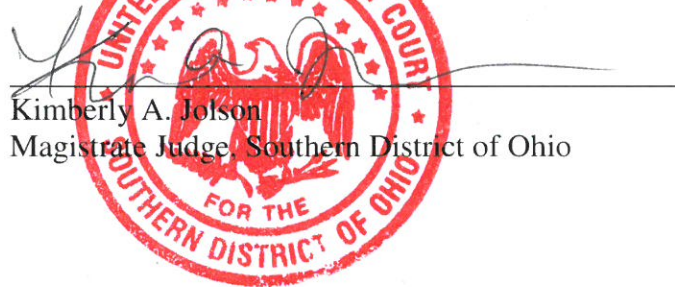
the major pharmaceutical companies. Their stock is exchanged on the New York Stock Exchange. Rite Aid engages in interstate commerce with numerous companies and utilizes telecommunication lines to conduct credit card transactions.

8. Based on the above information, your affiant believes that David A.A. FLEMINGS, Jr. did obstruct and/or interfere with interstate commerce by means of robbery, in violation of 18 U.S.C. § 1951, The Hobbs Act. This occurred in the Montgomery County, OH, located in the Southern District of Ohio.



Signature of Complainant
Brian V. Boesch
ATF – Task Force Officer

Sworn to me and subscribed in my presence,
this 6th day of September, 2018, at Columbus, OH


Kimberly A. Tolson
Magistrate Judge, Southern District of Ohio